

REMARKS

The Applicant herein previously submitted an Amendment on September 29, 2004, which was rejected as being non-compliant. The Amendment is again being submitted in response to that Notice of Non-Compliant Amendment. The status ID for each of the claims has been corrected as suggested by the Examiner.

The Applicant is submitting herewith drawings showing Figures 1 and 2 as -- Prior Art --.

The Examiner has rejected all of the pending claims based upon the Reicks '133 reference alone or in combination with Furrer.

The Examiner makes the unsupported statement as follows:

"These claims specify various time intervals. It is submitted that the claimed intervals are inherent, or alternatively obvious, absent a showing of unexpected results or criticality specifically associated therewith, being parameters that would have been routinely manipulated/optimized."

The Examiner does not point to any text in the Reicks '133 reference which teaches a time frame of 10 seconds or less. Moreover, the Examiner does not point to any text in the Reicks '133 reference which even suggests the desirability of any short-term time frame. Generally, there must be some motivation in the cited references which suggests at least the desirability of the claimed invention. The Examiner has not pointed out any such teaching. The unsupported "submittal" by the

Examiner fails to provide the details of the claimed invention and fails to give even a suggestion that one skilled in the art might be motivated to modify the prior art reference. Without such content, the Examiner fails to create a case of anticipation or a prima facie case of obviousness.

The Examiner rejects some of the claims based in part upon the Furrer reference. However, the Examiner does not in this rejection suggest that Furrer teaches the desirability of using the time intervals of the claimed invention. Since the Examiner has failed to even allege that Reicks '133 or Furrer teach the desirability of using short-time intervals or a compressed fluid-driven valve, the Examiner has failed to make out a prima facie case of obviousness with respect to the claimed invention. Moreover, the Examiner makes assumptions about the state of the art and the environment of the present invention which are not supported by the cited references. Nowhere does the Examiner state that the cited references even suggest that fear of explosion is a problem. For the Examiner to make such assumptions, without explaining where the cited references support such a statement, is improper.

The Examiner has rejected claims 32, 35-36, and 44 for being unclear as to how they further limit the claims from which they depend.

Claim 32 has been amended to refer to a 28-micron filter. Note that the specification has also been amended to cure two typographical errors in the specification as filed. The terms "28 micron" and "60 micron" were originally written without the "n" in micron.

The Examiner has expressed concern about the claim limitations in 35 and 44 which refer to the stopping being an inherent step in a reversal of flow. The Examiner

claims that this adds nothing to the claim from which they depend. This is not correct. The claims from which they depend refer merely to stopping. This could include a termination of flow in one direction followed by a resumption in flow in the same direction. When the claim language in claims 35 and 44 is added, the stopping must be part of a reversal of flow direction. Clearly, claims 35 and 44 are narrower than the claims from which they depend.

The Examiner expressed concern about claim 33, stating that it is unclear how the "fluid through the filter is kept constant." Claim 33 states that the direction of flow of the fluid is constant, not the amount of flow. The Applicant believes that once the Examiner considers this distinction, the concerns with respect to claim 33 will be alleviated.

The Applicant believes that all of the Examiner's concerns have been addressed and that the application, as amended, is now in condition for allowance.

Respectfully submitted,

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